

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,) NO. CR06-5506RBL
Plaintiff,)
v.) ORDER CONTINUING
AUGUSTINE CABELLO,) TRIAL
and DANIEL K. MARSDEN,)
Defendants.)

)

THIS MATTER came before the Court upon the motion of the defendant, AUGUSTINE CABELLO, by and through his attorney, Peter Mazzone, and DANIEL K. MARSDEN, by and through his attorney, Stephan R. Illa, and the United States of America, by and through John McKay, United States Attorney for the Western District of Washington, Douglas Whalley and Matthew H. Thomas, Assistant United States Attorneys for said District, requesting a continuance of the trial date. Having considered all the files and records herein,

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(iv), that failure to grant the continuance in this case, which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel for the defendants the reasonable time necessary for effective preparation, due to counsels' need for more time to review the evidence and consider possible defenses, taking into account the exercise of due diligence;

1 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
2 3161(h)(7), that this is a reasonable period of delay in that the parties met recently to
3 review the evidence in the case, that there has been delay due to weather and distance of
4 travel, that one co-defendant has recently entered a guilty plea and the remaining parties
5 are involved in on-going negotiations, and that the remaining defendants have requested
6 more time to prepare for trial, and have indicated that they will file waivers of speedy
7 trial in support of this motion.

8 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
9 Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that
10 they outweigh the best interests of the public and the defendants in a speedy trial.

11 THIS COURT FURTHER FINDS that all of the additional time requested between
12 the original trial date of January 16, 2007 and the new trial date is necessary to provide
13 counsel for the defendants the reasonable time necessary to prepare for trial.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date will be continued until March 26, 2007 at 9:30 a.m. For the reasons set forth above, the time between the original date and the new trial date is excluded in computing the time within which a trial must be held pursuant to Title 18, United States Code, Section 3161, et. seq.

New Pretrial Motions cutoff date is extended to February 6, 2006

IT IS SO ORDERED this 22nd day of December, 2006. 
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE
Digitally Signed upon oral authorization (JAB)

Presented by:

s/ Douglas B. Whalley
DOUGLAS B. WHALLEY
Assistant United States Attorney

s/ Matthew H. Thomas
MATTHEW H. THOMAS
Assistant United States Attorney

s/Stephan R. Illa
STEPHAN R. ILLA
Attorney for Daniel K. Marsden

s/Peter Mazzone
PETER MAZZONE
Attorney for Augustine Cabello

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2006, I electronically filed the foregoing stipulated motion to continue trial with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/ Matthew H. Thomas
MATTHEW H. THOMAS
Assistant United States Attorney
United States Attorney's Office
1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Telephone: (253) 428-3809
Facsimile: (253) 428-3826
E-mail: Matthew.H.Thomas@usdoj.gov